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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,576	08/05/2003	John M. MacLaren	200301722-2	6985

7590 04/14/2005

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EXAMINER

BAKER, PAUL A

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,576

Applicant(s)

MACLAREN ET AL.

Examiner

Paul A Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 11-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-38 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 16 is objected to because of the following informalities: Presently filed claim 16 omits limitations previously presented in amendment filed 5 August 2003 without indicating amended status, furthermore presently presented claim 16 ends in a colon. For the purpose of examination claim 16 as presented in the amendment filed 5 August 2003 will be considered as the current version of the claim. Appropriate correction is required.

Response to Arguments

The examiner intended to acknowledge that the present application is a continuation of parent application, 09/769,716. The examiner instead unintentionally indicated the present application as a Request for Continued Examination (RCE), the examiner regrets any confusion this may have caused the applicant.

The examiner rejected the present application under double patenting using the amended claims as presented in the papers filed 5 August 2003, which are the same as the claims represented in applicant's most recent response. To make the examiner's interpretation of the rejection of applicant's presented claims under double patenting explicit, the rejection is presented in a two column side-by-side analysis.

Continuation application 10/634,576, claim 1.	Parent Application US 6,640,282, claim 2 (presented as the limitation of claim 2 bodily incorporated into claim 1)
A method of powering-up a memory cartridge in a computer system, comprising the acts of:	A method of powering-up a memory cartridge in a computer system, comprising the acts of:
(a) inserting the memory cartridge into the computer system while the computer system is operating,	(a) inserting the memory cartridge into the computer system while the computer system is operating,
	wherein inserting the memory cartridge comprises connecting one or more first insertion removal sense pins from memory cartridge, thereby causing the assertion of a power signal to a power controller;
(b) initializing the memory cartridge while the computer system is operating;	(b) initializing the memory cartridge while the computer system is operating;
(c) rebuilding the memory cartridge while the computer system is operating; and	(c) rebuilding the memory cartridge while the computer system is operating; and
(d) verifying the memory cartridge for validity while the computer system is operating.	(d) verifying the memory cartridge for validity while the computer system is operating.

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Parent application claim 2 contains each and every limitation of claim 1 in the instant application and as such is anticipated by the parent application. Therefore claim 1 is rejected under nonstatutory double patenting.

Similarly the limitations presented in instant application's claims 3-5 are anticipated by the parent application's claims 3-5.

Claim 6 of the instant application is anticipated by claim 5 of the parent application.

Claims 7-10 of the instant application are anticipated by claims 6-9 of the parent application.

Allowable Subject Matter

Claims 16-38 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In regards to claim 16, none of the prior art of record discloses a computer system comprising a host controller, a memory sub-system coupled to the host controller configured to run in a redundant and non-redundant mode of operation further comprised of a memory system board, plurality of memory cartridges, plurality of cartridge connectors configured to facilitate the insertion and removal of the memory cartridges while the system is powered-up, and a plurality of control logic devices configured to facilitate the transition of the memory system from a redundant mode of

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operation to a non-redundant mode of operation as well as the reverse operation in combination with the other specified claim limitations.

Claim 16 was rejected under 35 USC §103 as being unpatentable over Olarig et al. US Patent 6,098,132 in view of Santeler et al. US Patent 6,223,301 in the previous office action. The applicant has successfully established that both Olarig and Santeler are commonly assigned and under the provisions of 35 USC §103(c) cannot be applied in a §103 rejection. No other prior art of record anticipates applicant's limitations as presented in claim 16 or provides motivation for combination to render applicant's claimed invention as obvious. As such claim 16 is found allowable over the prior art of record.

Claims 17-38 are allowed as being dependent upon allowed claim 16.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Baker whose telephone number is (571)272-4203. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PB


4/12/05
MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER